

REMARKS

Applicants appreciate the courtesies extended to Arnold Finestone, coinventor, and Allan Fanucci, applicants' representative, during an interview with Examiner Daniel Zirker on December 18, 2002. The comments appearing herein are substantially the same as those that were presented and discussed at the interview.

Claims 1-15 have been cancelled and are replaced by new claims 16-30. Claim 16 was prepared from claim 1 and now recites an adhesive rather than a pressure sensitive adhesive as in claim 1. Also, preamble language was deleted as the Examiner indicated at the interview that no patentable weight was given to that language. Dependent claims 17-30 are essentially the same as previous claims 2-15. Accordingly, no new matter has been entered by these amendments, so that they all should be entered at this time.

Claims 1-15 were rejected for "same claim" double patenting over the issued claims of applicants' US patent 6,235,286. In response, applicants have presented new claim 16 which is modified from claim 1 as noted above. Accordingly, this rejection has been overcome and it should be withdrawn. To the extent that there may be any obviousness-type double patenting issues, the applicants have already submitted a terminal disclaimer to obviate such issues. Thus, no double patenting rejections should be made against the current claims.

Claims 1-15 were rejected over U.S. patents 4,351,877 or 4,557,971 to Williams in further view of 4,636,427 to Ohno et al. ("Ohno") for the reasons set forth in the action. Applicants traverse the rejection for the reasons that follow.

Initially, applicants expressly incorporate herein the comments that were previously made against this rejection. In addition, the following comments are submitted to indicate that this rejection is improper.

The Williams patents do not disclose the combination of a paper layer and a water-impermeable oriented plastic film layer having a first corona-discharge treated surface, wherein the first corona-discharge treated surface is adhesively cold laminated to the paper layer to form a paper-plastic film laminate. Instead, Williams teaches that it is difficult to adhere a water-based adhesive to a plastic film. He points out a number of problems in col. 1, line 67 to col. 2 line 15. His drawings show that the plastic layer can easily be stripped from the paper layer. This teaches away from applicants' invention and does not also motivate one of ordinary skill in the art to pursue products of the type claimed by applicants. In contrast, Williams uses his knowledge to provide a strippable tape where the plastic film can be removed from the article to which the tape is attached but the paper layer remains. As noted

in the present specification and claims, applicants' laminate can be stripped or removed in total from an item to which it is attached. This is a patentably distinct feature for the present invention compared to products of the Williams patents. Accordingly, a number of additional references are cited in an effort to remedy the deficiencies of Williams.

For example, the office action suggests that adhesive cold lamination to join paper to plastic is generally known in the art. The documents cited in the office action, US patent 5,244,702 to Finestone et al. and Great Britain patent 1,569,447, do not support this position. The Finestone et al patent represents that work of the present inventors and is not prior art to applicants. The present application claims a priority date of November, 1992, while the Finestone et al. patent has a filing date of January, 1992, i.e., less than one year earlier. Thus, no rejection under 102(b) is applicable. Since the Finestone et al. patent and the present application are co-owned, a rejection under section 102(e) or 103 is not appropriate under the provisions of the patent law as amended under the American Inventors' Protection Act of 1999. Furthermore, the disclosure of cold lamination in that patent is the work of the coinventors of the present applicant so it is not the work of another to support a rejection under 35 USC 102.

The GB patent is also irrelevant to the present claims, as it discloses the lamination of a plastic foam to another substrate such as paper. This is not a plastic film adhesively cold laminated to a paper layer to form a paper-plastic film laminate as disclosed and claimed in the present application. The GB patent also reaches away from the use of a plastic film, citing expense and poor compressibility. Furthermore, the term "cold lamination" is not even mentioned in that patent, as it would not even be suitable for use in joining a foam to another material, since the foam would be crushed if it passes between the laminating rollers.

The Ohno patent is also irrelevant in that it is directed to a multi-layer tape product that includes two plastic films and a fabric layer. The plastic layers are adhered to the fabric base by heating the films to over 300°C and then extrusion laminating the heated film to the fabric base. After forming the laminate, an adhesive is applied to the outer exposed surface of the fabric or one of the plastic layers. While Ohno does disclose the use of a corona discharge treatment, it is only onto the fabric base or a non-oriented plastic layer. In fact, the use of heat would cause a loss of orientation of the films, so that an oriented film is not present. Thus, the plastic layer cannot be stretched and oriented in the Ohno laminates because the heating step would deleteriously affect the strength properties of such an oriented film or layer. Moreover, even if the plastic layer is somehow stretched while hot, it would

likely shrink while cooling to cause warpage in the final laminate. Also, even if the film were oriented, which it is not, the use of heat prevents cold lamination as presently claimed.

For all these reasons, the rejection based on the combination of the Williams and Ohno patents has been overcome and should be withdrawn.

Applicants submit that the entire application is now in condition of allowance, early notice of which would be appreciated. Should the Examiner not agree with the Applicants' position, then a telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

No fee is believed to be due for this submission. Please charge any required fees to Winston & Strawn Deposit Account No. 501-814.

Respectfully submitted,

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